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made in an attempt to save the dowry and the seven minas. In that case the *καὶ πρότερον πρὸς τοὺς συνδίκους* of § 32 will refer to the former trial and not to the preliminary hearing (*ἀνάκρισις*) of the present one.

LYSIAS 18. 14

πάντες γὰρ εἰσονται ὅτι τότε μὲν χιλίαις δραγμαῖς ἐξημίωσε τὸν βουλόμενον τὴν ἡμετέραν γῆν δημοσίαν ποιῆσαι κτέ.

Among the numerous emendations of this section I do not find that anyone has ever proposed *ἐξημίωσατ' ἄν*, and yet the simple insertion of an *ἄν* removes many difficulties. In the first place it explains how *ἐξημίωσατ'*, which is certainly right, was corrupted to *ἐξημίωσε*, for the *ταν* would be easily dropped before *τόν*. This corruption would not occur so easily before *αὐτόν*, and, indeed, if this first trial is purely hypothetical, it is no longer necessary to have a reference to Poliochus in this clause, and we can retain the *τόν* of X. The point of the whole passage from § 13 to § 19 is that the Athenians, by confiscating the property in question, will break their oath *μὴ μνησικακεῖν* (§ 19). This is the oath referred to in the *περὶ ὧν ὅρκους ὁμωμόκατε* of § 13, and the *ἃ δὲ αὐτοῖς ἐψηφίσασθε* of § 15. In the closing words of § 14 Lysias, indeed, speaks as if the assumed former trial were an actual one, but that is a mere trick, of which he is quite capable. In defense of *παρὰ νόμῳ φεύγοντος τοῦ αὐτοῦ ἀνδρός* he could claim that the case had already been decided once when the citizens voted to forget past wrongs.

If the insertion of *ἄν* is right, and there were not two trials, the *τοῦ αὐτοῦ ἀνδρός* cannot possibly refer to Poliochus. We thus get rid of the possibility that the speech was made in a *γραφὴ παρανόμων* against Poliochus, as Thalheim still assumes in his *Argumentum* (p. xliii), and the *σύνδικοι* of § 26 will be the presiding officers. And, finally, we are relieved of the very improbable assumption that a man, who had already been fined 1,000 drachmas for an illegal act, would venture to bring a second suit, which could be attacked as doubly illegal, because it was contrary both to the decree *μὴ μνησικακεῖν* and to the law against a second suit about the same matter.

A. G. LAIRD

CICERO'S *DE SENECTUTE*, §§ 10 AND 37

In Cicero's *De senectute* 10, the Brussels MS (Bruxellensis 9591), tenth century, reads *virtus gravitas* and furnishes an explanation of a corruption which has appeared in most of the other MSS. *Virtus* was originally a gloss on *gravitas* which has here crept into the text without the change to *gravis* made by the scribes in other MSS to emend the sentence. This corrected reading, *virtus gravis*, also appears in A (Ashburnhamensis) and L (Leidensis), the other members of the family to which Br belongs, and represents, as stated above, the variation of their scribes from the original

virtus gravitas. In E (Erfurtensis), twelfth century, the gloss was inserted after *gravitas* instead of before, but the same subsequent change has occurred. A confirmation of the fact that *virtus* is a gloss is found in the reading of the second hand of V (Vossianus), thirteenth century, where *virtus* is not put into the text but occurs as a variant upon *gravitas*. Later, in MSS which had retained the original reading *gravitas*, as in H (Harleianus), eleventh century, the false reading *virtus gravis* was also inserted because found in other MSS and not for the same primary cause.

In § 37 of the *De senectute*, the reading of Br, *illa domos patrius disciplina*, is again indicative of the reading of the archetype of the other two members of its family, A and L. For the corruption *domos*, so easily formed from *domo*+*mos*, next gave way to *domus* as *domos* would not construe. Then, in order to avoid an apparently false agreement with *domus*, the *patrius* was changed to *patria* P² (according to Dahl), *patri* A², or *patri* A¹ and L¹, that it might agree with or be in some subjective relation to *disciplina*, the *et* necessarily disappearing for this purpose. We thus account for the reading of A¹, *illa domus patri disciplina*, while the repetition of *domus* by L¹ is probably a blunder of its own scribe. The *et* was probably dropped from Br, as in the great majority of the other MSS, through the failure to observe the plural subject and a desire to construe *disciplina* as ablative. This may, however, have been the initial stage of the corruption in all three MSS. The reading of ER, *illa domo mos patrius et disciplina*, was thus undoubtedly the reading of the archetype of AL Br and, though not necessarily the correct reading, yet furnishes the best tradition in this disputed passage. I propose shortly to publish a complete collation of Br with an indication of its various affinities.

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"JUSTICE IN THE AGE OF HOMER"

In his examination of the much-discussed trial-scene in Homer's *Iliad* xviii. 497-508, Professor Bonner ("Justice in the Age of Homer," *Classical Philology* VI, 24 ff.) rightly concludes, I think, that the two talents which lie before the judges are the stakes contributed by the litigants (one talent each), and are "to be paid over to the one of them who shall plead his case before the court most effectively"—that is, win the verdict (vs. 508). Professor Bonner has also not disregarded the earlier suggested parallelisms with procedure under primitive Roman law. But his concluding sentence (p. 30) is: "In effect the wager [i.e., the two talents in this specific case] corresponds to the damages which according to Homeric practice usually accompanied restitution and redress." That is, the beaten litigant is mulcted in penal damages to the amount of one talent, presum-